

Prison Rape Elimination Act Compliance

Central Texas Treatment Center has zero tolerance relating to any sexual misconduct between staff, volunteers, or contractors, and residents and their family members. Moreover, all forms of forced or coercive sexual misconduct occurring among residents will be fully investigated, sanctioned (if authority to do so exists), and referred for prosecution if the prohibited conduct violates state criminal laws. (PREA—115.211)

1. Prison Rape Elimination Act (PREA) covers incidents involving staff, residents, volunteers, and collateral contacts. (PREA—115.211), (PREA—115.276), (PREA—115.277)
 - A. Prohibited behaviors include but are not limited to the following: touching, hugging, kissing, sexual assault, penetration, fondling, inappropriate viewing, sexual conduct, sexual harassment, sexual abuse, sexual gratification, romantic relationships, relationships between staff/residents, volunteers/residents or outside the agency involvement between staff and resident.
 - B. Resident on Resident Sexual Abuse: Sexual contact between residents without the resident's consent, or in which the resident is unable to consent or refuse.
 - C. Staff Sexual Misconduct: Any behavior or act of a sexual nature whether it be consensual or non-consensual directed toward a resident by an employee, volunteer, contractor, visitor or other agency representative. Termination from employment shall be the presumptive disciplinary sanction for staff who have engaged in sexual misconduct.

2. Hiring and Promotion (PREA—115.211), (PREA—115.217)
 - A. The agency shall not hire or promote anyone or enlist the services of any contractor/volunteer who may have;
 - a. Contact with residents who has engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility, or other jurisdiction;
 - b. Has been convicted of engaging or attempting to engage in any type of sexual misconduct;
 - c. Has been civilly or administratively adjudicated to have engaged in any type of sexual misconduct;

 - B. Before hiring new employees or enlisting the service of any contractor/volunteer that may have contact with residents, the agency shall (PREA—115.217):
 - a. Perform criminal background records check;
 - b. Contact any former institutional employers for any information regarding sexual misconduct or alleged sexual misconduct;

- c. Ask all applicants and employees about previous sexual misconduct;
- d. Material omissions or the provision of materially false information regarding sexual misconduct shall be grounds for termination;
- e. Unless prohibited by law the agency shall provide information on substantiated allegations of sexual misconduct involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

3. Training and Education (PREA—115.211), (PREA—115.231)

- A. All staff members who have contact with residents will be trained on the following:
 - a. The zero-tolerance policy on sexual misconduct;
 - b. How to fulfill their responsibilities of prevention, detection, reporting, and response to sexual misconduct;
 - c. Residents rights to be free from sexual misconduct;
 - d. The right of residents and employees to be free from retaliation or reporting sexual misconduct;
 - e. The dynamics of sexual misconduct in confinement;
 - f. The common reactions of sexual misconduct victims;
 - g. How to detect and respond to signs of threatened and actual sexual misconduct;
 - h. How to avoid inappropriate relationships with residents;
 - i. How to communicate effectively and professionally with residents;
 - j. How to comply with relative laws related to mandatory reporting of sexual misconduct.
- B. Current staff members will receive and acknowledge PREA training within one year of hire, a refresher training will be provided every year to ensure all employees understand the agency's current sexual misconduct policies and procedures.
- C. Volunteers and contractors will be trained and acknowledge their responsibilities under the agency's zero-tolerance policy of sexual misconduct. (PREA—115.232)

4. Staff Responsibilities (PREA—115.211), (PREA—115.261), (PREA—115.265):

- A. The CTTC AD will act as the PREA coordinator and is responsible for the oversight of all PREA related activities.
- B. The PREA coordinator will:
 - a. Coordinate and develop procedures to identify, monitor and track sexual misconduct incidents occurring at the CCF;
 - b. Maintain related statistics; (see Data Collection section)
 - c. Coordinate with the PREA investigator;

- d. Conduct audits to ensure compliance with CCF policy and the Prison Rape Elimination Act of 2003;
 - e. Ensure facility compliance with training requirements.
 - C. The Williamson County Sheriff's Department will act as the PREA investigator and will conduct investigations of all incidents of sexual misconduct.

- 5. Resident Orientation and Education (PREA—115.211), (PREA—115.233), (PREA—15.263)
 - A. During the intake/orientation process, all residents shall receive information in a manner that is understandable regardless of individual limitations explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual misconduct, their rights to be free from sexual misconduct and to be free from retaliation for reporting such incident, and regarding agency policies and procedures for responding to such incidents, and consequences of false allegations. Questions regarding allegations of harassment/assault in other correctional facilities occurs during the biopsychosocial assessment.

 - B. Staff will document verification of resident orientation and education on PREA by completing the Resident PREA Acknowledgement Form. Staff will maintain the original signed acknowledgement form in the resident's probation file, maintained by the Residential Community Supervision Officer. Residents will complete a formal PREA education class within 30 days. (PREA—115.241)

 - C. The screening for risk of sexual victimization and abusiveness shall be completed and utilized for housing, bed, work, education, and program assignments. A reassessment will be completed within thirty days of admission (Resident PREA Education Class). Reassessment will also occur when any accusation of sexual harassment/abuse has been reported. (PREA—115.241)

- 6. Reporting Sexual Misconduct (PREA—115.211) (PREA—115.222) (PREA—115.251), (PREA—253), (PREA—115.261), (PREA—115.263)
 - A. Resident reporting incidents:
 - a. Residents who are victims of or have a knowledge of sexual misconduct should immediately report the incident to a staff member or;
 - b. Residents may utilize the formal grievance procedure to report sexual misconduct. However, residents are not required to go through the informal resolution step to report allegations of sexual misconduct. Grievances

will be given high priority in accordance with established facility policy;

- c. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall document any verbal reports;
 - d. Residents are not required to file written reports; however, staff members who receive verbal reports from residents are required to immediately file written incident reports, notify supervisor, and PREA Coordinator;
 - e. Residents may contact the CSCD Assistant Director of allegations.
 - f. Residents may also complete support forms regarding feedback about other resident's behavior that could be sexual in nature.
 - g. Residents can contact Hope Alliance for reporting and assault crisis counseling.
 - h. Residents can contact the PREA Ombudsman Office of TDCJ.
 - i. Residents that have allegations of past harassment/assault at other correctional facilities may file report with PREA Coordinator who is then responsible for contacting the other facility and following up with that facility.
- B. Staff reporting incidents (PREA—115.211), (PREA—115.222), (PREA—115.251), (PREA—15.252):
- a. Regardless of its source, staff members who receive information concerning resident on resident sexual misconduct, or who observe and incident of resident on resident, or have a reasonable cause to suspect sexual misconduct must immediately report the incident to the PREA Coordinator if available, or to the Residential Staff Supervisor on duty.
 - b. Regardless of its source, staff who receives information concerning staff on resident misconduct, observe staff on resident sexual misconduct or have reasonable cause to suspect a resident is the victim of sexual misconduct, must immediately report the incident to the PREA Coordinator if available, or to the Residential Staff Supervisor on duty.
 - c. Any employee who fails to report an allegation, or coerces or threatens another person to submit inaccurate, incomplete or untruthful information with the intent to alter a report may face disciplinary action up to and including dismissal even on the first offense.
- C. Unsubstantiated, deliberately malicious or false reports by residents or other parties will result in disciplinary action up to

and including unsuccessful discharge and or dismissal for employees. (PREA—115.252)

7. First Responder Duties (PREA—115.211), (PREA—115.222), (PREA—115.262), (PREA—115.264), (PREA—115.271)
 - A. Staff members who receive an initial report of sexual misconduct/assault will ensure that the victim is safe and kept separate from the alleged aggressor.
 - B. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
 - C. If the abuse occurred in a time frame that still allows for the collection of physical evidence (within 120 hours of incidence), request that the alleged victim and alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
 - D. If the first responder is not a staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify the appropriate CCF staff.
 - E. Ask the resident and document the following information;
 - a. What type of alleged sexual misconduct/assault occurred?
 - b. Who was involved in the misconduct/assault?
 - c. When did the misconduct/assault occur?
 - d. Where did the misconduct/assault occur?
 - F. The first responder will immediately notify the PREA coordinator who will immediately notify the investigating authority.
 - G. The investigating authority (Williamson County Sheriff's Office) is recommended to follow the National Protocol for Sexual Assault Medical Forensic Examinations. (www.ncjrs.gov/pdffiles1/ovw/206554.pdf) (PREA—115.211)
 - H. Resident victims of sexual abuse shall receive timely, unimpeded, and ongoing access to emergency medical treatment and crisis intervention services as recommended by medical and mental health practitioners according to their professional judgment, and shall be provided treatment services without cost. Two services providers identified are: Hope Alliance, and Williamson County Victim Services. (PREA—115.283)
 - I. The PREA coordinator will act as an ongoing liaison between the facility and the investigating authority.
8. Reporting Investigation Finding (PREA—115.211), (PREA—115.222), (PREA—115.273), (PREA—115.276)
 - A. Following an investigation into a resident's allegation of sexual misconduct/assault suffered in an agency facility, the agency shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

- B. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident.
- C. Following a resident's allegation that a staff member has committed sexual misconduct/assault against the resident, the agency shall subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the resident's unit;
 - b. The staff member is no longer employed at the facility;
 - c. The agency learns that the staff member has been indicted or convicted of a charge related to sexual misconduct within the facility.
- D. Following a resident's allegation that he or she has been involved in an incident of sexual misconduct/assault by another resident, the agency shall subsequently inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been indicted or convicted on a charge related to sexual misconduct/assault within the facility.
- E. All such notifications or attempted notifications shall be documented.
- F. An agency's obligation to report under this standard shall terminate if the resident is released from the agency's custody.

9. Retaliation (PREA—115.211), (PREA—115.267), (PREA—115.262)
Residents, employees, or other parties for reporting sexual misconduct: Those who retaliate may face disciplinary action up to and including unsuccessful discharge for residents and dismissal for employees. Protection measures by the CCF include but are not limited to the following:

- a. Housing changes or transfer for resident victims or abuser;
- b. Removal of alleged staff or resident abusers from contact with victims;
- c. Emotional support services will be provided by Hope Alliance, for residents or staff who fear retaliation for reporting sexual misconduct or for cooperating with investigations;
- d. Monitor the conduct and treatment of residents or staff who reported the sexual misconduct/assault, any individual expressing a fear of retaliation, and of residents who were reported to have suffered sexual misconduct/assault to see if there are changes that may suggest possible retaliation for at least ninety days;
- e. Promptly act to remedy any such retaliation, included but not limited to;

1. Resident disciplinary reports;
 2. Housing changes;
 3. Program changes;
 4. Negative performance reviews of staff;
 5. Reassignment of staff.
- f. Continue such monitoring beyond ninety days if the initial monitoring indicates a continuing need;
- g. The obligation to monitor shall terminate if the allegation is determined to be unfounded.

10. Sexual Misconduct Grievance Process (PREA—115.211), (PREA—115.254)

- a. There is no time limit on when a resident may submit a grievance regarding an allegation of sexual misconduct or risk of imminent sexual misconduct;
- b. No formal grievance process is required nor is the resident required to attempt to resolve the incident with staff regarding an allegation of sexual misconduct;
- c. Nothing in this policy shall restrict the agency's ability to defend against a lawsuit filed by a resident on the grounds that the application statute of limitations has expired;
- d. The agency shall ensure:
 1. A resident who alleges sexual misconduct may submit a grievance without submitting it to a staff member who is the subject of the complaint;
 2. Such grievance is not referred to a staff member who is the subject of the complaint;
 3. The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual misconduct within 90 days of the initial filing of the grievance;
 4. Computation of the 90-day time period shall not include time consumed by the residents in preparing any appeal;
 5. The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the resident in writing of any such extension and provide a date by which a decision will be made;
 6. At any level of the grievance process, including any properly noticed extension, the resident may consider the absence of a response to be a denial at any level;
 7. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for a grievance relating to allegations of sexual misconduct, and shall

also be permitted to file such requests on behalf of residents;

8. If a third-party should file such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the grievance process;
9. If the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision;

11. Data Collection and Review (PREA—115.211) (PREA—115.286) (PREA—115.287) (PREA—115.288) (PREA—115.289)

- A. Within thirty days of the conclusion of the investigation the PREA coordinator will convene a review team who shall:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice;
 - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bi-sexual, trans-gender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the Facility;
 - c. Examine the area in the Facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts;
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff;
 - f. Compile a report of the findings to include implementing recommendations for improvement or document reasons for not doing so.
- B. The agency shall collect, maintain, and review accurate uniformed data for every allegation of sexual misconduct using the Survey of Sexual Violence by the Department of Justice. This data should be compiled annually and maintained for a minimum of ten years from the date after its initial collection.
- C. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility that received the allegation shall document and notify the head of the facility or appropriate office of the agency within seventy-two hours where the alleged abuse occurred.

12. Audits (PREA—115.211)

A. Information will be made available to TDCJ-CJAD as requested for audit purposes.